

# **TASCON, INC.**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **CGO**

**Chicago, Illinois**

**November 20, 1997**

FEMALE VOICE: Good morning, this is the EPA, Chicago, Illinois. This is Thursday, November 20th. This is microphone #1 and this is a test.

MS. NEWMAN: Good morning, my name is Amy Newman. I'm from the Toxics Release Inventory branch at EPA headquarters in Washington. I'd like to welcome all of you here today.

This is the third of nine public meetings that EPA plans to hold over the next year to solicit comments on the toxics release inventory reporting form, the Form R.

The purpose of these meetings is to obtain comments from stakeholders like yourselves on ways to improve the type of right to know information available to the public, and on ways to streamline the right to know reporting to ease the paper work burden on businesses affected by the requirements.

As you may know, in finalizing the industry expansion rule earlier this year, the Vice President announced that EPA would initiate an intensive stakeholder dialogue to comprehensively evaluate the reporting forms and the reporting practices related to the TRI program. So these public meetings, along with the Federal Advisory Committee which we're calling the Toxics

Data Reporting Committee is, these are our mechanisms for conducting this evaluation and soliciting comments from the public on these issues.

For people that are just joining us, we are asking everybody to sign in so maybe whoever has got the sign in sheet can just pass it on down to the two people that have just joined us.

This is a unique opportunity to assist EPA in looking for more opportunities for burden reduction, as well as ways to improve the quality of the right to know information. Topics for comment include format of the Form R, the nomenclature used on the Form R, opportunities for burden reduction in both the Form R and the Form A. Additional clarification of the elements in our form R. And EPA's presentation of the data and public information documents.

I'd like to ask that as each person speaks this morning, if you can clearly state your name so that we get it down in the public record of this meeting, and we'd like to ask that everybody try to keep their comments to ten minutes or less.

Michelle Price who works with me at EPA is going to spend just a little time this morning just going over the issue paper and then we'll get right into the comments from the public.

We think we're going to ask everybody who is speaking to come up to this microphone over here so that we can get you recorded, and at the end of your comments, if you could just stay there to get any questions that people may have on your comments. And then we'll move on to the next speaker.

Anyway, I will turn it over to Michelle Price at this point.

MS. PRICE: Okay, thank you. I hope it's not too disruptive. We're trying to add a few more chairs here, I think we're going to get more people than are here now and we're almost sort of full up, so hopefully we'll get some more in here, and we'll all be able to sit down.

But I wanted to thank everybody for attending the public meeting and we look forward to hearing your comments.

I want to go over a few little process issues and go over this issue paper that we've put together. As Amy said, this is the third of nine public meetings that we're having, and some of you have asked me the question over the phone on where we're going to have the additional meetings and when we're going to have them. And what we're going to do is put out another Federal Register Notice probably in December, probably announcing the additional meeting dates and meeting locations for these more public meetings, and a good place to get that information besides calling me is to look at the TRI home page. If you're not already familiar with the TRI home page, we do have a section there on the TRI stakeholder dialogue, and underneath that, one of the headings is public meetings, TRI public meetings.

So when that Federal Register notice is pub-

lished, you'll be able to see that, it'll have a link to the FR, so you can look for that information.

Also, on that home page is things like the issue paper that we've put together for these meetings. That's up on the home page and you can download that, and we hope to make available also on the home page, either a way to download the transcript from these meetings or, if that's not possible, we'll put information up on how you can contact the docket on getting a copy of the transcripts from all these different public meetings if you're interested.

So the web site for the TRI home page, in case anybody is interested is WWW•EPA•GOV/OPPTINTR/TRI. And if you go to Stakeholder Dialogue underneath that.

Does anybody need to repeat that? ... We can put it on this thing over here.

Now let me take a few minutes to go over this issue paper, but let me first say that for those of you that have seen it or haven't seen it, it doesn't mean that your comments have to be limited to what we have put in this issue paper. What we wanted to do is just give you a sense of some of the issues that have been raised to us, so that people would understand the kind of comments that we were looking for on various issues, but we are taking comment on other issues that have to do with TRI, the current reporting forms and reporting practices, so as long as they're limited to that and they focus on ways to make the information, TRI information better and reduce burden, then we'll take all those comments.

The first issue that we talk about in the issue paper is EPA's interpretation of the definition of release, particularly with respect to Class 1, underground injection wells and Ricker subtitle C landfills, several commenters believe that EPA's interpretation of the EPRA definition of release will lead to the misperception that a reported EPCRA 313 release necessarily results in actual exposure of people in the environment to the toxic chemical.

The Agency, what we're specifically looking for on this is we'd like to hear a suggestion on ways to collect and disseminate the data that are consistent with the Agency's interpretation of the EPCRA definition of release and would address these concerns raised about public misperception.

Another issue that we're interested in hearing comments on has to do with how chemicals transferred off site to publicly owned treatment works for further management on has to do with how chemicals transferred off site to publicly owned treatment works for further management are reported in Section 6 of the form.

Basically some folks believe that some quantity of the chemical sent to POTWs are treated and thus destroyed, and therefore they don't reach the environment. Other people believe that users of the data may be misinterpreting the information in TRI to mean that all chemicals sent to a POTW are destroyed and not released to the environment.

What we're looking for, what we've outlined here are several ideas for addressing this issue, and we'd welcome any comments on any other options that would make the information on off site transfers more useful, yet still maintain the distinction between off site treatment and off site releases.

The final issue that we have on the issue paper pertains to Section 8 of the Form R. Section 8 collects information on waste management at the facility, whether or not the waste was generated at the reporting facility.

Some folks are concerned about public misperception of the data in Section 8 because of the focus on the amount of waste managed at the facility, not waste generated.

What we'd like to do is obtain comments from folks on ways to change Section 8 of the Form R which would continue to allow the user to assess waste managed by the facility, but would minimize the perception that the wastes reported in Section 8 were generated by the reporting facility.

In a nutshell, those are the issues we've got outlined in this issue paper, and again, you're not limited to just those, so unless there are any questions on those, the issue paper, I'd like to get started hearing comments from you all. Does anybody have any questions?

Okay, as Amy said, we're going to ask each speaker to come up here and speak into this microphone, and when that person gets through, we're going to ask if there are any questions from anyone to the speaker, so we'll ask the speaker to stay up here for a minute until we find that out, and then they can leave. And if you have a question for a speaker, if you're near this microphone, we can pass it down to you, or just come over here. If you have a question for the speaker, we'll try and pass the microphone to you or ask you to come up here, or maybe we can restate your question. We're going to have to go with the flow here and see what works best.

I'm going to go through the names in order of people have, how people contacted me for registering to speak, and if you're not here, if anybody is not here when I call their name, we'll just go back to them at the end.

So let's start with Jim Turck. Hi, Jim.

MR. TURCK: Hi.

MS. PRICE: Actually you can probably stay there since you're close to this mike. These are just for recording purposes, they're not for identification in case you hadn't noticed, so if you have trouble hearing anybody, let us know.

MR. TURCK: I'm Jim Turck from Pharmacia & Upjohn in Kalamazoo, Michigan. We're an international pharmaceutical company. Most of our manufacturing facilities are in Kalamazoo, Michigan, although we have significant manufacturing in Puerto Rico also.

We are participating in the redesign of the TRI Form with our trade association, PHARMA, Pharmaceutical

and Research Manufacturing Association, and PHARMA will be preparing detailed comments in writing to EPA. So I just want to go over those briefly.

MS. PRICE: Go ahead.

MR. TURCK: First, we congratulate EPA for their leadership position and role in redesigning TRI the way the data is reported and we encourage that.

We believe that this can be, that TRI can be simplified by redesigning the form. Section 5 is one area where you requested comments.

In Section 5 we believe that should be reserved for releases to the local environment, those things that would actually affect people and would track the reductions that we are able to make in air emissions and water emissions at a plant site.

We believe that Section 6 could be reserved for land based management of waste that contained SERA compounds and in there you mentioned, Michelle, you mentioned the UIC issue and if we could have a Section 4 land based management UIC and RCRA landfills could be in Section 6.

Section 7 would be reserved for treatment so that releases to POTW could be reported in Section 7 as well as all other treatment that is done either on site or off site.

And then Section 8 would be reserved for pollution prevention activities, such as on site/off site recycling, on site/off site energy recovery.

And then finally, in EPA's analysis of the data that there would be four numbers that would be generated. The first number would be total discharged or emitted on site. The total amount managed, the total amount recycled or used for energy recovery. And then finally, total discharged emitted or managed. And that fourth one would be EPA's total waste generated.

And that's really all the comments I have, if there's any questions.

MS. PRICE: Anybody have any questions for Jim? Okay, one thing I'd add, Jim mentioned written comments from his trade association or whatever. If you have copies of your written statement today that you give us, if you can give that to me now or submit to the docket later written comments that you may have, that will be real helpful to make sure we accurately have your comments on record. Thanks Jim. Brian McHenry.

MR. McHENRY: My name is Brian McHenry. I am vice president of Environmental Affairs for TBN Holdings, Inc. We're a company that operates RCRA TSD facilities and solvent recovery facilities. We also act as a fuel manager for a cement kiln for energy recovery.

We, as the previous speaker, also are part of a trade organization, and I've provided Michelle with a copy of our comments on three issues which I'd like to briefly touch on today.

The first one deals with the inherent or apparent difference in storage and repackaging being a reportable TRI activity threshold, depending upon whether

or not the repackaged material goes off site for incineration or energy recovery. There is an apparent difference in determination of distribution and commerce that the Agency has applied, and we feel that this differentiation where storage and repackaging for energy recovery constitutes a reportable TRI activity whereas storage and repackaging for incineration does not, flies in the face of the RCRA hierarchy. In fact, operators of TSDs that would use the preferred alternative in the RCRA hierarchy of energy recovery would, in fact, be penalized by having a reporting threshold apply to them, whereas similar activities of TSDs where the material is sent off site for incineration, which is treatment, would not, and we urge EPA to expedite their review of the issue of distribution and commerce, so that these activities would be treated the same.

The second issue which I'd like to touch on today deals with the issue of energy recovery itself. EPA in its guidance documents have put forth, and also in the preamble May 1st, have put forth a Bright Line test for energy recovery which they consider to be a 5,000 BTU per pound energy content of each individual TRI chemical, and the justification for this determination apparently goes back to the same threshold used in the RCRA program.

This threshold is not codified in the RCRA program for energy recovery, and in fact, I would like to draw to attention a Federal Register notice dealing with this issue that was published the day after the preamble was published. It can be found at 62 Federal Register 24, 251, on May 2, 1997, and I'll just quote from that.

"Thus, the 5,000 BTU level is not an absolute measure of burning for energy recovery that is a rule, particularly when industrial furnaces and industrial boilers are involved."

The preamble and guidance document language that we received seems to in some ways contradict the Form R instructions, the 1996 version of the Form R instructions where energy recovery at an industrial furnace, boiler or cement kiln is determined on a case by case basis, and it seems that the preamble language and the guidance documents sort of usurp that and we would urge the Agency to return to a case by case determination of energy recovery.

Failing that, we would urge the Agency to consider a similar or an analogous type of treatment for energy recovery as it is contemplating for POTW treatment and that is if the TRI constituents within a hazardous waste fuel total comprised greater than 50% of the volume of that fuel, then the entire fuel be considered energy recovery.

The third issue I'd like to touch on is the de minimis exemption as it applies or as EPA contends does not apply to hazardous waste derived fuels.

In some of the training sessions and also in the guidance document, EPA has determined that the de minimis exemption for mixture does not apply to a waste. We've done some research on this issue and we believe

that there is no long standing interpretation recorded in the preamble or rule making that excludes waste or, in our case, waste derived fuels from qualifying for the de minimis mixture exemption, again, of the research and background material for these three points are included in the piece that I've provided to Michelle. And that's it.

MS. PRICE: Does anybody have any questions for Brian?

MR. MCHENRY: Okay, thanks.

MS. PRICE: You're welcome. Is Richard Stalzer?

MR. STALZER: Please bear with me, I've got a cold. Good morning. I have a statement I want to read from.

My name is Richard Stalzer, I'm the manager of Health Safety and Environmental Quality for BP Chemicals, a division of British Petroleum. We're headquartered in Cleveland, Ohio. I've been with BP for over 17 years in engineering technology and HFC positions. I'm a chemical engineer by training and have worked in the environmental field for over 22 years.

In my current position, I have responsibility for chemical company policy issues and programs in occupational health, industrial hygiene, employee and product safety, customer support, environmental quality and research for BP Chemicals.

BP Chemicals strongly supports the community right to know program and is committed to sharing information with facilities in our local communities. As a result of the Chemical Manufacturers Association and participation in the responsible care initiative, we have pledged to recognize and respond to community concerns about chemicals in our operations. We believe the public has a right to know about the benefits and potential risks posed by the manufacturer, distribution, use and disposal of chemicals. And communication about such effects and benefits and the risks is a principal goal of the community right to know programs.

In fact, for five years now, BP Chemicals and the BP group has published an annual report that summarizes the company's environmental missions and safety performance data from all major facilities world wide.

This annual report, called HSE Facts, demonstrates our commitment to the right to know regarding our businesses, health safety, environmental performance.

Further, BP's commitment to health safety environmental performance is clear as endorsed by group chief executive, Mr. John Brown. Our goal, simply stated, no accidents, no harm to people, no damage to the environment.

BP Chemicals is the world's largest producer and maker of acrylonitrile and operates two world scale acrylonitrile plants in the United States. One is in Lima, Ohio, the other in Port LaVaca, Texas.

Acrylonitrile is used in making plastics and fibers. Smaller quantities of co-products, acryloni-

trile and hydrogen cyanide are produced that are used in the manufacture of antibiotics, insulin for diabetics, AIDS fighting drugs, shampoos, detergents, diaxon, high strength polymers and glass substitutes.

They also produce catalysts for acrylonitrile plants, and hydrogen cyanide derivative, acetone cyanohydrin.

In total, we employ about 1,000 people in the United States and our operations and licensing activities extend to 20 countries around the world.

BP Chemicals is the world leader in licensing of acrylonitrile technology, and it's used in over 90% of the acrylonitrile producing plants in the world.

A key aspect of our U.S. operations is reliance on class 1 deep underground injection wells for the safe, effective, permanent disposal and treatment of process waste water. We have successfully used this technology for nearly 30 years and as a result of our pollution prevention programs at our plants, we have successfully reduced our air and water emissions 97% as reported under the TRI until the point where about 98% of our total TRI today are to class 1 underground injection wells. Deep wells as we refer to them.

We've also seen over an 80% reduction in our deep well TRI inventory. Consequently we have a specific and maternal interest in how the TRI emissions are reported for deep wells and in addition, the overall TRI program are concerns.

The TRI program provides government regulators and the general public with a tremendous amount of data and information about chemical releases, transfers and waste management activities. Since its creation in 1987, the TRI has helped facilitate community right to know and engaged progress of facilities for its release and reduction goals.

Annual release of the TRI is an event which is anticipated by the regulated community and how the Agency presents the data is of extreme importance. To date, EPA has placed much greater emphasis on mandating the submission of data and we appreciate the focus EPA is now placing on developing policies and mechanisms for the responsible stewardship of the data it receives and information it publishes.

If EPA hopes to rely increasingly on right to know and other informational programs to improve environmental performance, it will have to effect change through information stewardship and increasingly affect a presentation of the data. Otherwise, the Agency will continue to disseminate information whose usefulness is compromised and misrepresents risks.

Fortunately, some state agencies such as the Ohio EPA, have published their own annual reports to help explain the TRI data that U.S. EPA reports and the state collects.

Ohio EPA tries to explain the data in a way that helps the public understand potential exposure issues and risks associated with the TRI data, something not done by U.S. EPA.



In this manner, the public better understands what the data represent and the potential risks to human health and the environment.

With regard to deep wells, the Ohio EPA report Title 1989 Toxic Released Inventory, published in December 1990, states in the summary:

"Some reported releases result in no potential exposure to the public. In particular, the reported releases to underground injection wells have not represented any documented population exposure."

Both of BP Chemical's plants prepare Form Rs for over 20 chemicals every year.

With regard to the Agency request for comments and reporting requirements for class 1 underground injection wells, in the Form R, we provide the following comments for EPA consideration:

Point 1. Class 1 deep well injection is a safe and effective waste management method that permanently isolates waste from the accessible environment. The present day practice of class 1 injections, carefully managed, extensively regulated, routinely monitored and protective of the environment. Deep well operations involve the injection of industrial waste waters in the deep porous geologic formations thousands of feet below the earth's surface, where the waste will remain trapped and contained below permeability, confining layers for geologic time, that is for millions of years.

EPA has concluded that once geologic received information has stabilized, there is little or no possibility injected wastes will move vertically.

These geologic receiving formations, called injection zones, naturally contain highly saline fluids and lie deep below on average over 3,000 feet below the deepest aquifers that might serve as future sources of drinking water. These aquifers are presently undrinkable due to the high salt concentrations.

Once wastes are injected into these formations, the wastes are ever entombed in the earth, similar to oil and gas deposits that have been trapped for millions of years.

Point #2, the current TRI reporting for class 1 industrial wells is misunderstood by the public. At present, the TRI and Form R classify wastes injected in the class 1 deep wells in a way that creates misperceptions that class 1 deep well injection poses an imminent threat as a direct release to the environment. Grouping class 1 injection with direct discharges to the air and surface water has created the mistaken impression that class 1 wells also discharge waste directly into the biosphere.

As a result, many press reports inaccurately describe class 1 injection with terms like spewing, dumping, and discharges to ground water. These inaccurate statements are sometimes accompanied by provocative pictures of billowing smoke stacks or the skull and cross bones.

Pas headlines from Ohio newspapers say such

things as Ohio rife with toxicity. It's a ... mother never warned us about. Chemical industry is a gasper.

The truth about deep well injections is far different from the frightening pictures created by such stories. As a result, we've had to spend an inordinate amount of time working with the public around our plants to help explain EPA TRI data releases and dispel the misconceptions about the TRI data.

Only after working with the local news media in Lima, Ohio, very closely over the past decade and spending significant amounts of time explaining the TRI data for our site, small steps of progress can now be seen.

Amidst all of the confusing information about TRI emissions in Lima, the local newspaper published an editorial summing up our concerns about TRI. The headline reads, EPA report can mislead.

Point #3. EPA studies confirm that class 1 deep underground injection wells is amongst the safest waste management options. The more closely the deep well injection has been studied, the more the agency has become convinced of the effectiveness of properly operated deep well injection as environmentally safe waste management option. EPA findings are presented in a series of reports that began with EPA's 1985 report to Congress on underground injection and continue through EPA's continuing review of no migration exemption petitions for class 1 hazardous waste injection wells.

The Agency has repeatedly analyzed voluminous and complex scientific evidence on deep well injection and has confirmed that deep well injection, when conducted in accordance with applicable regulations is protective of human health and the environment.

These conclusions are reflected in EPA's reaffirmation that -- and I'm quoting EPA -- class 1 underground injection wells are safer than virtually any other waste disposal practice.

Point #4. EPA has already determined that class 1 injection is not a release to the accessible environment. Based on EPA's fundamental confidence in the safety and efficacy of class 1 deep well injection, the Agency has repeatedly concluded that class 1 industrial injection does not result in releases to the environment. This conclusion has been reached by a number of studies and in the context of different agency technical determinations.

Furthermore, this is consistent with Congress' legislative mandate that UIC regulations prevent endangerment of underground sources of drinking water.

The conclusiveness of EPA's assessment of class 1 wells becomes more apparent if the distinction between class 1 injection and other forms of injection is fully understood.

EPA continues to have concerns about other forms of underground injection that could involve direct discharges of shallow aquifers that EPA is striving to protect for current uses. But the evidence in class 1 industrial injection sets it apart as demonstrably different and safer. EPA's confidence in class 1 indus-

trial injections should not be allowed to be clouded by concerns expressed in the context of more general discussions of underground injection.

Point #5. The way EPA collects and reports data for TRI is confusing and misleads the public. The current TRI program does not provide the public with information to make informed decisions regarding relative risks. This problem is rooted in EPA's data collection tool, the Form R, and the presentation of data in annual reports.

Similar activities are reported together under confusing nomenclature. For example, discharges of air and water are summed together as releases with methods of disposal are designed to contain and isolate wastes, such as deep well injection.

When the public reviews this information, it is not clear why EPA includes such summed release data both with and without deep wells. No other environmental medium is handled in such a way. Further, EPA improperly adds together release information and processes that are specifically designed to reduce the amount of waste released.

For example, energy recovery which involves burning waste materials to generate steam and electric power for our plant operations, and recycling which returns waste streams to the processes to convert them back into desirable products are lumped together as actual releases and portrayed as even larger amounts of material that gets into the environment. Thus, the term release conjures up different meanings to different people, causing confusion over the significance of the data.

This is further exacerbated when the news media adds a picture of a smoke stack along side the summed data, representing their view of what the data says.

EPA has it in their ability to present data in a way that clarifies the nature of the releases by how they present the summed data in EPA's report.

The EPA is responsible for the manner in which TRI information is used. As the collector of this information and disseminator of the TRI data releases, EPA has an obligation to act as a steward for this environmental information and take responsibility for how it is provided to the public. In the same way that manufacturers provide stewardship for their products.

Point #6. Releases to the environment should not include deep underground injection wells. The definition for a release comes straight from the statute. In EPCRA section 313(g)(1) it says that a release is any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment. However, the statute defines environment as including the water, air and land and the interrelationship that exists among and between water, air and land, and all living things.

It would seem natural to include deep subsurface formations where deep well injection occurs as part of the land. However, I do not believe that the injec-

tion zones where class 1 wells inject are part of the definition of environment.

First of all, there is a real question scientifically whether there are living things in the earth's deep subsurface formations, such as depths of 3,000 to 10,000 feet below ground. Some people have argued that a very special form of micro organism can exist in these depths. This may be possible.

We know at BP Chemicals that there are certainly fossils in the earth at these depths based on our experience, but we've seen no evidence that anything lives deep in these injection zones.

Most importantly, however, the statute defines environment and require that there are interrelationships among and between the water, air and land and all living things. This means there must be an interrelationship between the deep subsurface formations and air, water and land. Obviously, this is not the case, since even if micro organisms did exist in these deep injection zones, they do not interact or enter into reciprocal relations with the air and water. In fact, there are no interactions between these deep injection zones and the accessible environment.

The UIC program is specifically designed to prevent this from happening. Therefore, we believe the class 1 underground ejection wells do not constitute a release to the environment.

Point #7. Deep wells are an effective treatment method for waste produced by BP Chemicals. BP Chemicals has conducted a number of studies to identify the fate of our waste after they've been injected into these deep wells. The data show conclusively that for acrylonitrile process waste water, the key chemical constituents chemically react in the subsurface formations. Hydrolysis and nucleophilic addition reactions are the primary pathways, so over time, the waste water is treated to less hazardous constituents in these deep injection zones.

As such, the deep well formulations should not be considered disposal, but a treatment method for injected waste.

Our recommendations. There are several ways that EPA can address the confusion and misperceptions over the TRI. These options can be readily implemented by the Agency under current statute. The following are my suggestions for consideration and implementation by EPA:

Recommendation #1. EPA should not use the term release or the phrase released to the environment when collecting or presenting deep well injection TRI data. As discussed earlier, deep well injection should not be referred as a release to the environment.

Note that in EPCRA Section 313(g)(1)(c)(4) that requires reporting on the Form R of the annual quantity of toxic chemical entering each environmental medium it does not require that class 1 injection be called a release.

The statutory provision would be satisfied just

as well by reporting class 1 injection as a contained or confined emission.

Recommendation #2. EPA should help the public understand the relative risks associated with the TRI, especially as it relates to deep well injection by not summing these data with release to air and water.

Class 1 underground injection information should be kept separate so these data can be adequately differentiated and explained to the public.

Recommendation #3. EPA should consider options for new categories for reporting deep well injection. These options could include descriptors such as contained or confined, simply splitting out the various forms of underground injections not enough.

Recommendation #4. EPA should continue to explain that deep well injection does not result in exposure to the public to TRI chemicals. As discussed earlier, deep well injection by virtue of its design and regulation does not result in exposure to injected chemicals to the accessible environment. Injected wastes are permanently entombed in the injection formation for geologic time.

On behalf of BP Chemicals, I want to thank the EPA for conducting this hearing on the TRI issues, and I thank everyone for your attention.

MS. PRICE: Does anybody have any questions for Richard? No? Okay. Thank you. Harriet Seymore.

MS. SEYMORE: Good morning. My name is Harriet Seymore, and I'm a chemical engineer employed by Amoco Corporation in Chicago, Illinois, as the issues manager in our corporate regulatory services department.

I've been with Amoco for over six years in various plant and corporate positions. I have been working on the toxic release inventory regulatory issues for approximately three years. I was an active member of the Winchester, Virginia, local emergency planning committee, and submitted TRI forms for Amoco's northern Virginia facilities.

I am here this morning speaking on behalf of the Chemical Manufacturers Association of which Amoco Corporation is a member. CMA and its members support community right to know. We believe that the public has a right to know about the benefits and potential risks posed by the manufacture, distribution and disposal of chemicals, and the communication about such benefits and risks as a principal goal of community right to know programs.

Right to know programs, whether voluntary or government mandated, should provide appropriate information and context to allow the public to appreciate the benefits and risks of our products and operation.

CMA is a non-profit trade association whose member companies represent over 90% of the United States productive capacity for basic industrial chemicals. The U.S. chemical industry employs approximately 1.03 million workers who each year help the industry account for about 10.3% of all U.S. manufacturing and about 1.9% of the U.S. gross domestic product.

The U.S. chemical industry is a global leader accounting for nearly 25% of the world's total production of chemicals. Topping all other U.S. industries, chemical industry exports exceed \$61.8 million in 1996, capturing \$1 out of every \$10 spent on U.S. exports.

The chemical industry is a keystone of the U.S. economy. Its 94,000 chemists, scientists and engineers are awarded one out of every eight patents issued in the United States.

CMA members manufacture more than 70,000 raw materials, intermediates and products, including metals, minerals, oils, natural gas, plastics, rubber and other raw materials. By providing the basic feed stocks that are the building blocks for every level of production in the U.S. economy, the chemical industry serves as an enabler industry.

The chemicals produced by our industry are also used to make thousands of industrial and consumer products that enhance the quality of life, including computers, pharmaceuticals, health care supplies, paints, adhesives, fabrics, automobiles, telephones, vaccines, fertilizers, clothing, lubricants, aircraft, and almost every product that is important to health, nutrition, safety, comfort and an improved standard of living.

Chemicals listed on EPA's TRI account for approximately 80% of basic chemical production. They must be handled and used carefully, but many are required building blocks for practically all of the thousands of important products that we use every single day.

CMA member companies are committed to providing environmental health and safety performance, protecting the environment by preventing pollution, by properly treating and managing waste, and by insuring public and worker safety and health is important.

CMA member companies have used the TRI as a measure of pollution prevention progress. From 1988 to 1994, CMA members reduce TRI releases to the air, land and water by 52%, while sale volumes was up 10%.

CMA members are committed to managing chemicals responsibly and to sharing information about their operations with local communities. As part of the responsible care initiative, CMA members have established ongoing dialogues with their communities to provide information that helps residents to better understand how we safely manufacture, use and transport chemical products and to discuss our efforts to safely manage the production and use of chemicals.

A critical part of responsible care is the community awareness and emergency response code, CARE. Under this code, our members work with local communities to receive and respond to questions about safety, health and the environment and to discuss the safe management of chemicals.

The original care program actually began in 1985 prior to the enactment of ECRA and served as a model for the SERA Title 3 program. Its purpose was to encourage openness at the chemical facilities and to

insure coordinated emergency response planning. The original program established CARE coordinating groups throughout the country.

By the end of the 1980s, more than 1100 such groups had been established in 46 states. Today, many of these groups have become local emergency planning committees.

In addition, our members have established over 315 community advisory panels nationwide, providing many plant communities with the opportunity to interact directly with facilities in their area.

Sharing information is in everyone's best interest. It builds trust between industry, government and the public. At the same time, it is imperative that the right to know reporting requirements be streamlined, eliminating duplicative and non-useful data elements.

The data should be provided to the public in an efficient and accessible manner and the data should be as scientifically accurate as possible and communicated in a clear and meaningful manner.

Community right to know programs, including the TRI, must be designed to inform the public about potential risks in a manner that is both understandable and accurate.

The TRI program provides government regulators and the general public with data about chemical releases, transfers and waste, recycling and waste management activities.

Virtually all of CMA's members are required to report TRI data. In response to the Agency's request for comments on reporting requirements and the Form R, CMA member companies suggest the following recommendations for consideration, and there are nine under this category:

#1. CMA encourages the Agency to seriously consider database consistency when making additions, deletions and changes to the Form R and the reporting instructions. Because the TRI is the tool to track corporate environmental performance, it is important that the data be meaningful, accurate and scientifically credible. Constant changes to the reporting requirements, last minute chemical additions or deletions and reporting modifications skew the baseline and make accurate trend analysis difficult and cumbersome.

CMA urges the Agency to adopt a policy stating that no changes shall be made to the Form R and the instruction book after November 30th of the year preceding the reporting deadline.

For example, 1997 TRI data which is due to EPA on July 1, 1998, would have a finalized Form R and instruction booklet published and available for use by November 30, 1997. Providing facilities adequate notice of the additions, deletions, modifications to reporting by a preset deadline will improve data consistency and quality and make it feasible for reporters to use computer data management reporting tools and streamline TRI reporting burden.

An appropriate deadline will also provide the regulated community time to catch the occasional printing mistakes such as those which have occurred in prior years from affecting their submissions.

For example, inconsistencies between de minimis values and the alphabetical and cash lists of the instruction book. Further, an appropriate deadline will allow the EPCRA hotline to provide accurate, usable and more timely guidance.

#2 recommendation. In CMA's view, it is essential that EPA eliminate the double counting which will result when TRI phase 2 final rule requires six additional industries to report TRI data.

We respectfully refer the Agency to CMA's September 26, 1997, comments for details of one way that double counting could be eliminated. We would be happy to provide copies of the recommendations to stakeholders and to discuss the specifics of the proposal at the Agency's convenience.

#3. To reduce reporting burdens, the Agency should eliminate, streamline, or reconfigure those Form R Section 7 elements which are not statutorily mandated as the information has not proven useful to the public.

Recommendation #4. Form R, page 1 is a cover sheet with information that is the same for all chemicals reported for a particular facility. EPA could reduce paper work burdens by requiring only one cover page per facility instead of per chemical.

#5. To reduce reporting burdens, the basis of ... codes in Form R section 5 and 6, could be eliminated as they have not proven to be of significant use.

Recommendation #6. CMA requests that the Agency through the NACEPT process develop more clearly defined and consistent ways to normalize production for purposes of calculating production ratio or activity index in Form R, Section 8.9.

Actions such as these would help EPA meet its obligation under Section 6604(b)(1) of the Pollution Prevention Act, which states:

"Established standard methods of measurement of source reduction."

In addition, a consistent normalization process would make the existing TRI program a more valuable vehicle for achieving right to know and pollution prevention goals without imposing costly new paperwork burdens.

Recommendation #7. CMA believes that while electronic reporting has the potential to provide industry with limited burden reduction, this can only occur when the electronic reporting software operates properly.

Historically and particularly in the 1996 reporting year, problems with the AFR software made electronic reporting more burdensome than paper reporting.

We encourage the EPA to beta test thoroughly the electronic reporting software before its release.

Recommendation #8. Significant confusion still exists within the regulated community with regard to



treatment. Definitions between Form R Sections 6 and 7, and Section 8. EPA could provide clarifying descriptors and/or labels for the current definitions.

For example, treatment activities could describe the various treatment activities in Sections 6 and 7, while treatment by destruction could describe chemical alteration or destruction activities in Section 8.

Recommendation #9. Formatting of the Form R is important. Data fields and sections should not be split between pages whenever possible.

For example, this year Form R Section 6.2 was split between two pages. This was confusing for some reporters who had to report multiple off site transfers because the waste processor i.d. was on one page and the quantity transferred was on another page.

Since its creation in 1997, the TRI has helped facilitate community right to know and to gauge progress of facilities towards relief and waste reduction goals.

Annual release of a TRI is an event which is anticipated by the regulatory community and how the agency presents the data is of extreme importance.

To date, EPA has placed much greater emphasis on mandating the submission of data than on developing policies and mechanisms for responsible stewardship of the data it receives, and the information it publishes. If EPA seeks to rely increasingly on right to know and other informational programs to achieve, improve environmental performance, we strongly urge EPA to take a more committed role when it comes to information stewardship responsibilities. Otherwise, the Agency will be disseminating information whose accuracy, reliability and usefulness will be seriously compromised which misinterprets risks, and which forms an improper basis for future policy making.

The following are CMA's recommendations to improve the presentation of TRI data to the public and protect against mischaracterization and other misuse of the data by persons with a pre-existing agenda. There are five recommendations under this section.

Recommendation #1. Focus on a positive message about release reductions in a publicly stated release, giving industry credit for the work that has been completed and the successes that have been achieved.

This provides a positive incentive for future reductions. For example, chapter 4 of the Overview in the 1995 TRI public data release contains an extensive discussion of the 1995 TRI releases in various computations.

Total releases by media or by chemical, distribution of releases and transfers, or total releases of carcinogens, etc.

Side by side tables of 1995 TRI totals contrasted with release reductions since the program began would provide context to the public by which they could evaluate the true picture of progress for U.S. industry.

Providing information on total releases alone, even though the reductions are discussed in a later

chapter, provides only half the story and sets a negative tone in an area where great progress has been made.

Recommendation #2. The Agency has inaccurately focused the TRI public data release on total waste generated without providing proper context to the public.

EPA's May 20, 1997, press release states, and I quote, "Although releases of chemical pollution continue to decline, the right to know data also shows that generation of toxic chemical waste by American manufacturers continues to increase. Since 1991, when EPA first began collecting TRI waste data, there has been a 7% increase in waste generation."

This statement is misleading for the following three reasons:

(a) EPA includes recycled and energy recovered materials in its definition of waste. To the American public and industry, recycling is a good activity that should be encouraged, not discouraged. It is a positive activity that the industry should be encouraged to conduct.

EPA misleads the public by negatively portraying total waste generated numbers and not explaining to the public that waste includes recycled and energy recovered materials.

(b) EPA still has not finalized the 1992 rule making which attempted to officially define waste for the Agency. As a result, industry groups have been interpreting the data in different ways. Each facility may interpret waste differently. Inconsistent interpretation decreases the quality and credibility of the waste generation data.

(c) Finally, it is misleading for the Agency state that there has been a 7% increase in waste generation without providing context that total chemical production is up approximately 24% over that same time frame.

This data indicates that waste generation declined by 14% per unit of production volume, a truly laudable performance by U.S. industry, rather than a cause for concern as characterized by the EPA.

Normalizing the TRI data waste or release for production is important for the public to recognize improved manufacturing efficiencies and to gauge environmental progress.

EPA's willingness to unfairly represent waste data is a disservice to the American industry and is misleading to the American public.

Recommendation #3. The Agency should take appropriate steps to protect against the use of information by competitors seeking economic advantage. This is a serious problem in the United States as foreign competitors spy on American industry through access to environmental data. The Agency should be careful to evaluate how changes in the TRI could unfairly disadvantage U.S. industry in a world market and should implement quality control procedures for any information that would be made public.

This would involve developing procedures to

protect against disclosure of competitive or confidential information. EPA should also consult with the Federal intelligence community charged with protecting U.S. industrial proprietary data, including the FBI and the Commerce Department.

Recommendation #4. The Agency should insure the quality and scientific integrity of the data that EPA or others may use in conjunction with TRI information to characterize risk associated with the operation of TRI reporting facilities, providing more information about the risk of TRI listed chemicals and the context by which they are reported in the TRI database would help in this regard.

If the Agency is going to model the impact of TRI emissions on receptors around facilities, they should use more realistic dispersion models than they have been using to date.

Recommendation #5. EPA should take the lead to insure against mischaracterizations and other misuse of TRI data by persons with pre-existing agenda.

For example, those seeking to compel reductions in the total use of TRI chemicals regardless of risk and impact on society.

EPA should seek to correct misrepresentations of the TRI data.

In conclusion, we look forward to working with EPA to improve the Form R in an effort which we believe will help reduce burden to industry and provide more relevant and meaningful information to be communicated to the public. CMA thanks EPA for the opportunity to comment at this public meeting.

MS. PRICE: Are there any questions for Harriet? Okay, to let you guys know that we are planning to take a break around 10:15/ 10:30, just so you have something to look forward to. Patrick Hamlin.

MR. HAMLIN: Good morning. My name is Patrick Hamlin, I'm the staff scientist with the Chicago office of Citizens for a Better Environment or CBE.

CBE is a 26-year-old, not for profit environmental advocacy group with offices in Illinois, Wisconsin and Minnesota. Our focus is urban environmental problems and we work extensively with the toxic release inventory, TRI, data and the process of providing information on local industries to community based organizations with whom we are partners.

Our goal is to encourage these industries to undertake pollution prevention planning and implementation. EPA is seeking comments from data users on ways to improve right to know information on the toxic release inventory, or TRI, Form R.

CBE's comments will address issues raised by the Agency relating to Sections 5, 6 and 8, as well as additional data and improvement suggestions based on our experience.

The issues raised by EPA in its Federal Register Notice include concerns regarding the definition of release in Section 5.

EPA's current interpretation of the definition

of release is based on the emergency planning and community right to know act, EPCRA, Section 313(g)(1), which broadly defines the term release.

It is CBE's belief that this interpretation of the term release is correct and that creating a label distinction between direct and indirect releases is unwarranted.

EPA and other groups have expressed their belief that various types of releases may not be equal in terms of potential health or environmental impact, and that somehow these releases should be distinguished from one another.

CBE believes that if EPA wants to distinguish various types of releases from one another, the proper way to accomplish this is by expanding the media categories and/or listing the physical form of the release.

The expansion of sections 5.4 and 5.5 into more specific land disposal methods and underground injection categories is an example of the proper approach to address these issues.

In other words, if EPA or other interest are concerned about possible misinterpretation of the nature of releases, the Agency can require more specific information on the actual disposal, release method or media in order to clarify the nature of the release.

This is a much more useful and informative approach than simply attaching a direct or indirect label to the existing categories.

EPA can also address misinterpretations by providing more education and outreach on the TRI and by clearly defining releases as spelled out by EPCRA in their annual public data releases.

With regard to releases that enter publicly owned treatment works, or POTWs, Form R Section 6, EPA is requesting comments that deal with distinguishing chemicals which may be degraded by a POTW from those that would not be treated. CBE believes that the reporting of total transfers to POTWs is appropriate, regardless of the efficiency or inefficiency of the POTW at degrading a chemical. This would create needless complications and would overlooks such events as combined sewer overflows or toxic loadings to POTWs that would greatly reduce the efficiency of chemical removal.

However, it may be useful in Section 8 data to distinguish the releases that are treated at the POTW compared with the wastes that are expelled from the POTW.

In order to distinguish which chemicals are effectively removed by POTWs, the Agency should consider requiring POTWs to file with the TRI, information on their specific loadings and effluent characteristics. This information would provide more comprehensive right to know information related to this category of release.

EPA is also requesting comments on Section 8 data concerning waste managed at a facility compared with waste generated at a facility. This issue is easily addressed by adding an additional category for waste managed but not generated at the facility.

However, additional data changes need to be made in order for Section 8 data to be more complete. The total quantity of production waste managed prior to treatment, the sum of Sections 8.1 to 8.7 should be included, as well as total TRI releases and product.

For purposes of pollution prevention analysis, it would also be useful to include the quantities of waste reduced for each source reduction activity code listed by a facility.

Finally, CBE wants to offer additional suggestions to improve the quality of information on the TRI.

A major problem we have encountered using TRI data to develop community profiles or profile in industry sectors, is the SIC, or standard industrial classification code loophole. Currently only data from the largest business activity at a facility are required to be filed with the TRI.

This can render it difficult to evaluate an area's emissions and is a setback to the public's right to know. As an example, a year and a half ago CBE compiled a list of industries on the southeast side of Chicago which file with the TRI, and ranked industries according to TRI air emissions and other categories.

Ryerson Steel which is a large facility which fell within the geographic area of our profile uses TRI chemicals but is not required to file, because the majority of their business falls under the SIC code for coil processing, which is 5051, rather than coil ... which is 3312.

As a result this facility, and undoubtedly others, were not profiled in our guide. CBE suggests that this exemption be removed for each division of a facility which comprises over 5% to 10% of that facility's business in order to provide the public more accurate and complete right to know information.

For similar reasons, CBE also suggests that the ultimate Form A threshold not be raised, since it will interfere with tracking the use and destination of TRI chemicals.

Another gap in the right to know is the number of non-compliers with EPCRA. According to a GAO report on EPCRA, over 30% of facilities which should have filed under EPCRA have not done so.

EPA needs to extend its outreach and/or enforcement activities to bring these companies into compliance, in order to give the public more complete right to know. U.S. EPA enforcement of EPCRA will become even more important should the U.S. Supreme Court decide to limit citizen supervisions under the statutes as a result of the CBE versus the Steel Company case.

Another data problem with the TRI is the quality of off site transfer information. This data has historically been filed by the facility sending rather than receiving the waste, but there are numerous errors in filing including the recipient's name, address and zip code.

When CBE was checking some suspect off site transfer information a couple of years ago, we found

that certain companies' headquarters were listed as the recipient of waste, rather than the actual treatment storage or disposal facility which received the waste.

Had we not known better, we would have been led to believe that TRI chemicals were being shipped to Chicago's Loop for treatment, storage or disposal.

Verification of the data by hand or by database is time consuming and complicated by the fact that the names and addresses of the receiving facilities are frequently listed in several different ways, negating the use of database or spreadsheet tools such as search and join commands.

CBE believes this problem can be addressed by implementation of a consistent facility indexing system across the EPA's databases.

In addition to solving the off site transfer problem, it would help to integrate the TRI with EPA's other databases.

Thank you for including Chicago in these field hearings. We appreciate the opportunity share our views and hope they will be useful.

MS. PRICE: Does anybody have any questions? Okay, I think we can probably take one more speaker and then take a break. Diane Brown.

MR. GOLDSTEIN: Good morning and thank you for the opportunity to testify today. My name is Bob Goldstein and I am --

MS. PRICE: Could you speak up a little bit?

MR. GOLDSTEIN: I'm sorry. My name is Bob Goldstein and I'm a spokesperson for the Illinois Public Interest Research Group, Illinois PERG. Illinois PERG is a non profit, non-partisan environmental and considered a watch dog organization with long standing interest in right to know issues.

We have used the TRI data extensively and have worked for many years to expand and improve the public's right to know about toxic chemical production, use and emissions.

I have a number of comments today that I'll submit for the record in written form, but I'd like to highlight just a few points that are of special importance in my oral stuff.

First of all, on source reduction reporting, in 1990, Congress passed the Pollution Prevention Act and declared it to be the national policy of the U.S. that pollution should be prevented or reduced at the source whenever feasible.

Prior to 1990, nearly 20 years of environmental laws had sought to control pollution after it had already been created, rather than preventing its creation in the first place, and these pollution control technologies include hazardous waste treatment, recycling, incineration and disposal, all of which ... the risks of environmental contamination, of accidents and of human exposure.

Certainly pollution control technologies are preferable to freely dumping toxics into our air, land and water, but unfortunately they often result in shift-

ing toxic hazards from one environmental medium to another.

With the passage of the Pollution Prevention Act, Congress recognized that steps needed to be taken to address the historical lack of attention to pollution prevention.

In April 1997, the U.S. EPA released the latest data from the 1995 calendar year, collected under EPCRA and the Pollution Prevention Act and found that although manufacturing industries across the country continue to make progress at reducing toxic emissions to air, land and water, they are failing to prevent toxic pollution at the source.

EPA should require facilities to report the total production related waste at a facility and Illinois PERG believes that this reporting is clearly required under the Pollution Prevention Act. The quantity of the chemical entering any waste stream or otherwise released to the environment prior to recycling treatment or disposal.

EPA's annual report on TRI data clearly document that the Pollution Prevention Act has for the most part failed to motivate industries to reduce the quantities of production related waste that they generate.

Furthermore, EPA's data shows that industries are projecting no improvement in reducing quantities of waste that they manage in the near future.

Much of the waste that is managed at a facility creates the potential for toxics hazards. These hazards range from accidental spills and leaks to daily worker exposure and there are, for example hundreds of Superfund sites across the country resulting from recycling hazardous wastes.

Requiring facilities to specify the total quantity of production related waste will help shift the attention of the news media, of regulators and the public from reducing releases to reducing waste at the source.

Several other reporting modifications that could help to encourage source reduction include requiring facilities to report actual quantities of waste prevented through source reduction, requiring facilities to identify chemical substitutions if they report raw material substitution as a source reduction activity, and finalizing the regulations and guidance for reporting under the Pollution Prevention Act.

And then in terms of chemical use reporting, we urge EPA to complete the rule making and expand rights now reporting to include toxic use reporting.

EPA issued an ANPR earlier this year, and we are hopeful that the Agency will move forward with ... early next year. Specifically we urge EPA to require facilities to report a simple materials accounting of the chemicals they use, including the amount brought on site, used up and shipped off site, as waste or product. This information enables people to measure, and then does promote pollution prevention. Specifically chemical use data helps people to tell where chemicals go as

waste or product, to identify low cost pollution prevention opportunities, to understand the life cycle of a chemical, to establish baselines for planning, to validate emissions data, to improve public understanding, to improve chemical management capacity, to assess worker exposure, and then also to establish formal employee prevention programs and other uses.

We have provided more extensive testimony on this issue in the past. And then lastly, we also encourage EPA to require facilities to report how many workers are exposed to each TRI chemical above background levels.

And again I'd like to thank you for the opportunity to come here today.

MS. PRICE: Are there any questions? Okay, I think we can take a break here for like 15 minutes, I've got ten after, so be back in here in 15 minutes, that'd be great. Thank you.

[OFF THE RECORD]

[ON THE RECORD]

MS. PRICE: Okay, Patrick.

MR. MORMON: Peter actually.

MS. PRICE: Peter, sorry about that.

MR. MORMON: I'm Peter Mormon with the Environmental Law and Policy Center of the Midwest. Environmental Law and Policy Center is a midwest non-profit public interest organization, working implement sustainable energy, transportation and environmental protection policies to improve the quality of life and encourage sustainable economic development in our communities.

Although the U.S. EPA is waiting for public comment issues on the content of ... toxic release inventory reporting form, we'd like to briefly take the opportunity to raise some broader issues that are at the heart of public policy, to really inform the public of the threat of toxic pollution.

We applaud the U.S. EPA's recent expansion of the TRI to include new industries and its acknowledgement of the need to evaluate the lowering of reporting thresholds for chemicals that persist in bioaccumulate in the environment.

We are concerned that lower reporting thresholds for these chemicals have not already been established, as the U.S. EPA issues guidances for the new industries that will soon be reporting the toxic releases, such as the electric utility industry. Toxic substances including mercury, cadmium, nickel and others are released at over 800 major fossil fuel ... electric generating facilities across the U.S. Though a total amount of toxic substances released through combustion at each individual power plant is relatively small, the cumulative damage of these releases to public health and environmental quality is significant.

Bio accumulation of small amounts of mercury in lakes and streams, for example, has led to at least 38 states to issue advisories warning people to limit or avoid consumption of many different types of fish.

These warnings apply to literally thousands of



lakes and streams in the Great Lakes region alone. Yet under current reporting thresholds, no power plant will be required to report releases of mercury or any other toxic metal. Such result is clearly indefensible from the standpoint of accurately informing the public of significant threats from toxic releases.

The negative impact on public health and environmental quality are persistent in bio cumulative substances should not be discounted simply because the volumes in which they are released do not meet a threshold that is unrelated to the actual damages that are caused.

The electric utility industry moves toward competition, accurate information on public health and environmental impacts of power plant pollution become even more critical. Public opinion polls demonstrate that citizens want cleaner power and are willing to pay more for it if necessary.

We can expect the utilities will use environmental claims in their marketing to keep their existing customers and to win new ones. The public will need a full accounting of the power plant pollution in order to make informed choices.

An accurate and comprehensive TRI will go a long way toward giving the public information it needs.

U.S. EPA should act without delay to lower or eliminate reporting thresholds for chemicals that are persistent and bio accumulate in the environment. To the extent that a revision of existing TRI rules is needed to accomplish this, U.S. EPA should promptly initiate a process to do so.

First step to solving most any problem is accurately defining and measuring the problem. TRI has proven to be a highly effective first step to reducing emissions of many dangerous toxic chemicals. It's time to finish the job and make sure that the public is fully and accurately informed about toxic chemical releases affecting our health and environment. Thank you.

MS. PRICE: Any questions for Peter? Anthony.

MR. STAR: Should I stay here?

MS. PRICE: Yes, thank you.

MR. STAR: My name is Anthony Star. I'm from the Center for Neighborhood Technology. We're a Chicago based 19 year old non-profit organization dedicated to promoting public policy's new resources and accountable authority to support sustainable just and vital urban and communities.

I'm going to keep my comments brief. And voice my support for the last three comments, we support all of those, and just mention a few particular comments of our own. CNT feels that TRI reporting should be utilized as an opportunity to promote source reduction and pollution prevention. Reporting of data should be seen as an opportunity to spur interest in source reduction, not just for filling out of numbers on a form.

For example, in Section 8 of Form R, reporting total quantities will assist facilities see the cumulative impact of the chemical consumption. On the form the emphasis should be placed upon ... activities that

promote source reduction rather than just reporting. The EPA should also seek to identify ways to make source reduction section of Form R challenge reporters to consider ways to modify practices. One such example would be on the current form, you look for this year's totals, last year's totals and estimates for the subsequent two years. One possible change would be to not just report last year's totals, but the estimates on the previous year's forms and the current year's forms, as a way of benchmarking how the estimates from previous years came out.

A second recommendation would be the EPA should consider adding a peak release component to the form to allow communities to better gauge at what point of time different releases take place.

A third suggestion would be from some of our work as part of the great printers project, which is a pollution prevention program for the printing industry. Our partners in Wisconsin in the last year piloted a consolidated reporting program to help simplify the paper work and ease the reporting burdens for business.

One barrier to these sorts of programs has been the lack of uniform facility identification numbers, so using the TRI process for promoting or creating uniform identification numbers would be very helpful for consolidated reporting.

MS. PRICE: Is that it?

MR. STAR: Mm hmm.

MS. PRICE: Thank you. Any questions? Okay, Ron Dirk, from the American Lung Association of Chicago. Diane Richardson from Commonwealth Edison.

MS. RICHARDSON: Good morning. My name is Diane Richardson, and I'm senior coordinator of environmental chemistry in the land quality group of the environmental services department of Commonwealth Edison and I'm here speaking on behalf of Commonwealth Edison and the Edison Electric Institute. Con Ed provides electrical service to approximately 3.3 million customers in northern Illinois. My responsibilities at Con Ed include coordination of TRI issues for the company. I am also a member and active participant on the Edison Electric Institute's emergency planning and community right to know act subcommittee.

I appreciate the opportunity of presenting comments today on behalf of Con Ed and the Edison Electric Institute on ways to improve the reporting of information to EPA as required by Section 313 of the Emergency Planning and Community Right to Know Act of 1986 or EPCRA.

In particular my comments will focus on ways to revise the Form R reporting form to minimize the significant risk of community misperception that currently exists and to make the submission of reportable data more easily understood by local communities, regulators and other interested parties.

Let me briefly begin by describing EEI and why we share EPA's interest in improving the way Section 313 information is reported to EPA and to local communities.

EEl is a trade association of shareholder owned electric companies, international affiliates and industry associates. EEl's member companies provide more than 3/4 of the electricity generated by electric utilities in the United States. Electric utilities were brought into the TRI reporting system this year and will begin reporting in July 1999.

EEl has long been concerned that the TRI reporting system fails to address the risks associated with the release data that is reported. EEl is especially concerned with the current format of Section 5 of Form R, sends a confusing message that can mislead the public into believing that the listing of TRI releases is the cause for serious environmental concerns.

The total values currently reported in Section 5 of the form leave unanswered the critical question, as a member of the public, should I be concerned about these releases? Neither Form R nor EPA's annual toxic release inventory report helps to answer this question. Possibly the EPA has decided that members of the public are able to translate these total release values into risk estimates.

Based on our industry experience, the public may not be prepared to make such risk based decisions. In failing to provide the public with any information on the health consequences of these reported releases, EPA has done only half the job in informing the public.

Ideally, Section 5 should include data on total releases along with the risk to human health associated with those releases. EEl recognizes that there are practical problems with this approach and would like to suggest an alternative approach -- we believe that this approach would give the public greater information about reported releases and would be easy to implement. EEl recommends that Section 5 be modified to identify whether the reported releases have previously been included in a log by EPA. Many of the releases reported on Section 5 have been the subject of extensive noticed comment rule makings.

During development and comments on those rules, the EPA has considered the possible health effects associated with those releases. Where EPA has decided to allow releases of certain risks to human health, the public should be more clearly informed of these decisions by EPA.

And I have a number of references on studies that have been done on the health effects for the electric utility industry by EPA.

There are several ways that this information could be added to Section 5. One approach would be to have two columns for total releases. One column would be for the federally allowed releases, and a second for releases that have not been the subject of federal rule makings. This would help identify releases allowed by EPA and rule makings or by state rule makings where the state was acting under federally delegated authority.

Another simple approach to revising Section 5 would be to leave the total release column unchanged and

to add a box that would be checked if a reported release was federally allowed.

The changes to Section 5 would also be needed to be reflected in Section 8.1.

This simple change to Section 5 would provide the public with additional relevant information about the releases reported. It would do so in a way that does not make a value judgment about the release, but would identify that the release was previously studied by EPA, and that the public had an opportunity to participate in that earlier process.

I would also suggest in addition to the above, Section 5.5 of Form R that contains the reporting section for land based management of waste on site be changed to clarify the data and reduce the risk of misperception. This change would be that column A which currently is identified by the heading, Total Release, be changed to read, Total Quantity Placed on Into a Management Unit.

The effect of this heading change would be to make it clear that the data in column A report quantities of TRI chemicals being placed or disposed in on site land based management units. It adds a level of precision and nomenclature that is currently lacking in Section 5.5.

Additionally, I would suggest the addition of a new column C that would give as its heading the phrase, Total Quantity Migrating from the Management Unit into an environmental media. This column would provide new information not currently required, but would identify quantities of TRI chemicals that are migrating into soil and possibly ground water.

By specifically breaking out in column releases of constituents that are migrating out of a pollution control management unit and into an environmental media, the Agency would assist local communities in distinguishing activities that may oppose environmental concerns.

I want to emphasize that all land disposal data currently reported in Section 5.5 of Form R would continue to be reported. If EPA adopts those changes to Section 5, the conforming change to Section 8 will also be necessary.

EEl, as well as Con Ed, believe that these upgrades to Form R would benefit both the reporting facility and ... community. We would be happy to provide the Agency with additional information and to help work towards development of a revised form.

Thank you for the opportunity to speak at today's meeting.

MS. PRICE: Does anybody have any questions?  
Okay, Jill Patton.

MS. PATTON: I'll keep my remarks very brief, because much of what I have to say has been covered already by organizations that have spoken before me.

I'm with Business and Professional People in the Public Interest. It's an organization formed in 1969 with a multi issue program that focuses on fair

housing, school reform and environmental protection, and in the area of environmental protection, our most recent focus has been on transportation, ground water and pesticide use both in rural and urban settings.

While many of the issues raised by organizations that have spoken with respect to the need for full and accurate reporting, we would very much support -- I wanted to emphasize that part of our perspective on this is that we found in the past that for companies that are interested in genuinely pursuing pollution prevention and source reduction, Form R does become a discipline that while at times may be unpleasant, forces them to really do an analysis of waste that then gets you in the position of working to reduce that waste at the source.

So while I recognize that the concern about the term release is that it will unnecessarily panic the public, that hasn't been the case so far, I don't think and it certainly has been the case that if every bit of waste is recognized as such at a particular facility, then the management of that facility can work to reduce that waste, can work to improve efficiency. If you lose those kinds of signals to management, you lose both the accuracy of information you need for improving efficiency, and you also lose some of the motivation.

So I think it's important that releases be recognized as such, be recognized as waste that always presents an opportunity for management to improve efficiency and reduce that waste.

The other issue that I just want to emphasize is something that we spoke on a year ago and that I hope we will see some action on, and that is on the facility identification number since that makes a tremendous difference with small organizations working to understand what's going on with facilities in their immediate community. The lack of integration of the information makes it extremely difficult. I think earlier examples, the difficulties in doing any kind of data search when you could have a company name written in a slightly different form on a .... or the TRI and then attempting to have an overall picture of what's going on at that facility is really greatly reduced, so I just want to emphasize the importance of that, and thank you for the opportunity to comment.

I also wanted to say that Ron Burge from the American Lung Association had to leave unfortunately, but he also wanted to support the need for full and accurate data in order to do a better job of protecting the environment.

MS. PRICE: Okay, does anybody have any questions?

Jack Saporito, probably butchering that. Not here. Okay.

I think that's it for the people we have on our list registered to speak unless there's anybody else here that would like to provide some comments that didn't register. Anybody?

Okay, well then I think we will close and thank

you all for coming and as I said you can still submit written comments to the docket, and that's an open docket until we finish with this process of having all these public meetings.

MALE VOICE: [inaudible]

MS. PRICE: Probably by the summer, we plan to have them starting in the February/March time frame.

MALE VOICE: How does this public meeting coordinate with the ... committee.

MS. PRICE: Well this is another avenue for us to gain input and get information on the various issues. So it's feeding in along with the information we get from the NACEPT Committee for public meetings, comments will feed in to our process at EPA for deciding on ... Yes.

[OFF THE RECORD]

